



# TOWN OF ANDOVER

Town Offices  
36 Bartlet Street  
Andover, MA 01810  
(978) 623-8200  
www.andoverma.gov

## **THE BASICS OF THE THIN FILM PLASTIC CHECKOUT BAG BYLAW**

(ARTICLE 55: Thin Film Single Use Plastic Checkout Bag Reduction Bylaw)

### **1. Why are we doing this?**

- Voters at the 2018 Annual Town Meeting approved a citizen petition to enact the bylaw.
- To reduce litter in our environment
- Protect ocean environments and marine life
- Protect waterways from pollution and reduce greenhouse gasses
- Reduce solid waste in the waste stream.

### **2. When does the bylaw go into effect?**

- The Bylaw went into effect on January 1<sup>st</sup>, 2019.

### **3. How does this bylaw affect my business and customers?**

No Food Establishment in the Town of Andover may provide Thin Film Single Use Plastic Check-Out Bags to customers. Establishments can only provide a...

1. Recyclable Paper bag
2. Reusable Check Out bag as defined below; or
3. Cardboard boxes.

- A Food Establishment is an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., is considered a “Food Establishment” for purposes of this ordinance.
- Thin Film Single Use Check Out Bag” means those bags typically with handles, constructed of high density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET) or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4 mils in thickness.

- “Recyclable Paper Bag” shall mean a paper bag, with or without handles that contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag 1) the word “recyclable” or a symbol identifying the bag as recyclable and 2) a label identifying the bags as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
- “Reusable Check Out Bag” means a sewn bag with stitched handles that is specifically designed for multiple reuse that (i) can carry twenty-five (25) pounds; (ii) is machine washable or is made of a material that can be cleaned or disinfected one hundred and twenty-five (125) times; (iii) is made of either polyester, polypropylene, cotton or other natural fiber material; and (iv) has a thickness of greater than four (4.0) mils.

#### **4. What kind of bag do I need to supply for my customers?**

- You are not required to provide a bag as part of this bylaw. If you provide a bag for your customers the bags must be the following...
  - No Thin Film Single Use Plastic Check Out Bags
  - Recyclable Paper bag
  - Reusable Check Out bag as defined above: or
  - Cardboard boxes

#### **5. Can I charge a fee for a bag?**

- Yes, you can charge a fee if you wish too.

#### **6. Are their posters or education materials available?**

- Yes, there are posters and other education materials available at the Andover Health Division at 36 Bartlet St. Andover, or you can go to their website at [www.andoverma.gov](http://www.andoverma.gov).

#### **7. Are their exemptions?**

- Thin film plastic bags typically without handles which are used to contain dry cleaning, newspapers, fruit, vegetables, nuts, grains, candy, wet items and other similar merchandise.
- All Food Establishments must provide at the point of sale, free of charge either Reusable Check Out Bags or recyclable paper bags or both, at the Food Establishment’s option, to any customer participating in the Supplemental Food Program for Women, Infants and Children (WIC) pursuant to M.G.L.c.111, or in the Supplemental Nutrition Assistance Program (SNAP) pursuant to M.G.L.c.18.
- The provisions of this bylaw do not apply to bags used by a non-profit corporation or other charity as defined by M.G.L.c.12 to distribute food, grocery products, clothing or other household items to clients.
- This bylaw does not prevent Food Establishments from selling to customers various types of plastic bags sold in packages containing multiple bags intended for personal use.

**8. Where can I buy compliant bags?**

- You can find a list of retailers on Andover's Health Department's website at [www.andoverma.gov](http://www.andoverma.gov).

**9. Do I need to refuse my customer from bringing in their thin film plastic bags (from home) into my store for reuse?**

- No, this bylaw is applicable only to businesses. Consumers are encouraged to shop with reusable bags and are not subject to any penalties or enforcement.

**10. Is Enforcement apart of the bylaw?**

- Yes. Violations include:
  - Initial violation: warning
  - 2nd violation: \$50 fine
  - 3rd violation: \$100 fine and appearance in front of the Board of Health
  - 4<sup>th</sup> and subsequent violations: \$200

**11. Can I apply for a variance?**

- The Health Director may exempt a Food Establishment for a period of up to six (6) months upon finding that the bylaw requirements would cause undue hardship. Please contact the Andover Health Division at 978-623-8230 for more information on applying for a variance.

Go to [www.andoverma.gov](http://www.andoverma.gov) to see/print a copy of this bylaw.